

Contracting with Disadvantaged Businesses (DBEs)* Guidelines for Watershed Assistance Grant Recipients

It is EPA's policy that recipients of EPA Financials assistance, including subrecipients, through grants and cooperative agreements award a "fair share" of subagreements (e.g. contracts and procurements) to small, minority and women-owned businesses.

When procuring goods and services with grant funds, recipients shall:

- Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- If the prime contractor awards subcontracts, require the prime contractor to take the steps outlined above and follow the administrative requirements of 40 CFR Part 33.302 including EPA forms 6100-2, 6100-3 and 6100-4.

Any procurements made either with Section 319 Grants funds or local match funds should be reported on the DES Procurement Documentation form.

Each procurement contract shall include the following term and condition:

The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

*DBEs or Disadvantaged Business Enterprises are minority-owned and women-owned small business enterprises that are at least 51 percent owned by one or more minority or female individuals. In the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority or female individuals. And, the businesses daily operations are managed and directed by one or more of the minority or women owners. For further information go to <http://www.epa.gov/osbp/grants.htm>